

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8442 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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FARUKBHAI HANIFBHAI SINDHI

Versus

STATE OF GUJARAT

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Appearance:

MR HR PRAJAPATI for Petitioner  
MS HANSABEN PUNANI AGP for Respondent No. 1, 3  
MR BHARAT T RAO for Respondent No. 2

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 06/07/1999

ORAL JUDGEMENT

Heard the learned advocates for the respective  
parties.

2. The petitioner challenges the order of preventive  
detention dated 9th September, 1998 made by the  
Commissioner of Police, Ahmedabad under the powers

conferred upon him under Sub-section 1 of Section 3 of the Gujarat Prevention of Anti-Social Activities Act, 1985 [hereinafter referred to as, 'the Act'].

3. The petitioner is alleged to be an accomplice of one Yashminbanu who indulges herself in bootlegging activities on a large scale. The activities of said Yashmin Banu and the petitioner were also found to be detrimental to the maintenance of public order.

4. It is not disputed that alongwith the petitioner, the above referred Yashminbanu was also ordered to be detained on 9th September, 1998. Both, the said Yashmin Banu and the petitioner are co-accused in the prohibition offences referred to in the grounds of detention. Upon opinion received from the Advisory Board, the State Government under its order dated 26th October, 1998, revoked the order of detention against said Yashmin Banu. However, the petitioner is continued under detention. It is argued that the bootlegging business is being run by said Yashmin Banu and the present petitioner was employed by her on daily wages. The offence, if at all committed by the petitioner, is not as grave as the one committed by Yashminbanu. The action of the Government in revoking the order of detention in respect of Yashmin Banu and continuing the petitioner under detention is, therefore, arbitrary and unsustainable.

5. The petition is, therefore, allowed. The impugned order dated 9th September, 1998; Annexure-A to the petition, is quashed and set-aside. Rule is made absolute. The petitioner, unless is required to be detained in some other case, be released forthwith.

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Prakash\*